

Service, requires each agency to conduct either a compressed or flexible schedule experiment. An agency may be excluded from the requirement of conducting such an experiment only if the Civil Service Commission finds, on application by the agency head, that conducting such an experiment would not be in the best interest of the public, the Government, or the employees. In other words, under the reported bill, the agency must experiment unless exempted by the Commission.

Similar legislation, which passed the House during the 94th Congress, on the other hand, required the Commission to establish a master plan under which a limited number of experiments may be conducted by agencies selected by the Commission. The Commission was required to evaluate the results of the experiments but the Commission was not given the authority to direct agencies to engage in these experiments. Thus, the possibility remained under that bill that an insufficient number of experiments would be conducted to permit meaningful evaluation of the impact of the experimental program.

The reported bill as modified by the Floor amendments strikes a middle course. It does not require each agency to conduct an experiment but it does permit each agency to conduct an experiment. The Commission is required to establish a program under which a sufficient number of agency experiments will be conducted to measure the effectiveness of the experiments, and the Commission is authorized to require selective agencies to engage in experiments.

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1762/2

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

OLC

FROM:

EXTENSION

NO.

OLC #78-1762/2

DATE

1 MAY 1978

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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☐ STAT received the attached paper on the so-called "flexi-time" legislation (H.R. 7814) at the end of last week. As you can see, the bill is being changed once again, so that the provision for agencies to conduct a flexi-time program is permissive rather than mandatory; there would be, however, provision for the Civil Service Commission to require some agencies to conduct such programs.

The bill has not yet gone to the floor, where the amendment making participation permissive will be offered. We therefore do not have the precise language yet, but we should be receiving it shortly. We will keep you advised.

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Assistant Legislative Counsel

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